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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**PEDRO E. RIVAS, on Behalf of Himself  
and All Others Similarly Situated,**

**Plaintiff,**

v.

**LEHMAN BROTHERS BANK, FSB;  
BNC MORTGAGE, INC.,**

**Defendants.**

**No. 08 CV 3685 (BSJ) (MDF)**

**ELECTRONICALLY FILED**

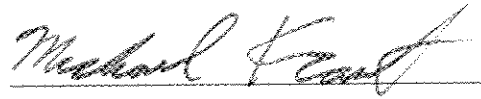
**NOTICE OF MOTION TO DISMISS BY DEFENDANTS  
LEHMAN BROTHERS BANK, FSB and BNC MORTGAGE LLC  
PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and upon the motion of Defendants Lehman Brothers Bank, FSB and BNC Mortgage LLC (“Defendants”) to dismiss the Complaint in the above-captioned case, and the accompanying memorandum of law, Defendants will move this Court, on a date and time to be designated by the Court or as soon thereafter as counsel may be heard, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street,

New York, New York 10007 for an Order dismissing the complaint with prejudice.

June 20, 2008

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael S. Kraut", written in black ink over a horizontal line.

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